

Matthew C. Bernstein (Bar No. 199240)  
MBernstein@perkinscoie.com  
Perkins Coie LLP  
11988 El Camino Real, Suite 200  
San Diego, CA 92130  
Telephone: (858) 720-5721  
Facsimile: (858) 720-5799

Garret A. Leach, P.C. (*pro hac vice*)  
garret.leach@kirkland.com  
Maria A. Maras (*pro hac vice*)  
maria.maras@kirkland.com  
Kirkland & Ellis LLP  
300 North LaSalle  
Chicago, IL 60654  
Telephone: (312) 862-2000  
Facsimile: (312) 863-2200

Attorneys for Plaintiff  
TREEFROG DEVELOPMENTS, INC.  
D/B/A LIFEPROOF

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

TREEFROG DEVELOPMENTS, INC. D/B/A	)	CASE NO. <u>'13CV0158 IEG KSC</u>
LIFEPROOF,	)	
	)	
Plaintiff,	)	<b>COMPLAINT FOR PATENT</b>
	)	<b>INFRINGEMENT</b>
vs.	)	
	)	<b>JURY TRIAL DEMANDED</b>
SEIDIO, INC.,	)	
	)	
Defendant.	)	

---

1 Plaintiff Treefrog Developments, Inc. d/b/a LifeProof (“LifeProof”) brings this Complaint  
2 against Defendant Seidio, Inc. (“Seidio”), alleging as follows:

3 **PARTIES**

4 1. Plaintiff LifeProof is a Delaware corporation with its principal place of business at  
5 15110 Avenue of Science, San Diego, California 92128.

6 2. LifeProof designs, manufactures, and markets protective cases for use in all  
7 environments, which provide functionality and interactivity with smartphones and tablet computers.

8 3. Upon information and belief, Defendant Seidio is a Texas corporation with its  
9 principal place of business at 10415 Westpark Dr., Suite B, Houston, Texas 77042.

10 4. Seidio designs, engineers, manufactures, markets, and sells cases for mobile devices  
11 such as smartphones and tablet computers.

12 5. Seidio conducts business and sells its consumer electronics accessories throughout the  
13 United States via physical retail stores and various websites, including, but not limited to,  
14 www.seidio.com, www.seidioonline.com, www.bestbuy.com, and www.amazon.com.

15 **JURISDICTION AND VENUE**

16 6. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*,  
17 and seeks damages and injunctive relief pursuant to 35 U.S.C. §§ 271, 281, and 283–285.

18 7. This Court has subject matter jurisdiction over the action pursuant to 28 U.S.C.  
19 §§1331 and 1338(a) because this action arises under the Acts of Congress relating to patents.

20 8. This Court has personal jurisdiction over Seidio because, upon information and  
21 belief, Seidio has had, and continues to have, regular and systematic contacts with the State of  
22 California and with this judicial district by selling or offering to sell products that infringe the patent  
23 at issue in this case, or by conducting other business within this judicial district. In addition, this  
24 Court has personal jurisdiction over Seidio because, upon information and belief, Seidio has used,  
25 offered for sale, and/or sold infringing products and placed such infringing products in the stream of  
26 commerce with the expectation that such infringing products would be used, offered for sale, and/or  
27 sold within the State of California and this judicial district.  
28

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and/or 1400 because, upon information and belief, Seidio conducts substantial business directly and/or through third parties or agents in this judicial district by selling and/or offering for sale infringing products, and/or by conducting other business in this judicial district. Furthermore, LifeProof is headquartered and has its principal place of business in this judicial district, sells competing products in this judicial district, and has been harmed by Seidio's conduct in this judicial district.

**COUNT I**

10. Paragraphs 1–9 are incorporated into this count by reference.

11. United States Patent No. 8,342,325 (the “’325 Patent”), entitled “Housing For Receiving And Encasing An Object,” was duly and legally issued on January 1, 2013. The ’325 Patent was duly and legally assigned to LifeProof, and LifeProof owns and has full rights to sue and recover damages and other relief for infringement of the ’325 Patent. A copy of the ’325 Patent is attached hereto as Exhibit 1.

12. Seidio has infringed, and is still infringing, the '325 Patent by making, using, offering for sale, and selling infringing products, including but not limited to the Seidio OBEX case for use with the Samsung Galaxy S III smartphone, within the United States.

13. Seidio's infringement of the '325 Patent has been without permission, consent, authorization, or license of LifeProof.

14. Seidio's infringement of the '325 Patent has injured LifeProof, and LifeProof is entitled to recover damages adequate to compensate it for Seidio's infringement.

15. Seidio has caused LifeProof substantial damages and irreparable injury by its infringement of the '325 Patent, and LifeProof will continue to suffer damage and irreparable injury unless and until the infringement by Seidio is enjoined by the Court. LifeProof has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff LifeProof respectfully requests that judgment be entered in favor of LifeProof and against Defendant Seidio and further prays that the Court grant the following relief to LifeProof:

- A. A judgment that Seidio has infringed the '325 Patent;
- B. Entry of a preliminary and a permanent injunction pursuant to 35 U.S.C. § 283 enjoining Seidio, as well as its officers, directors, servants, consultants, managers, employees, agents, attorneys, successors, assigns, affiliates, subsidiaries, and all persons in active concert or participation with any of them, from infringement of the '325 Patent, including but not limited to making, using, offering to sell, selling, or importing any products that infringe the '325 Patent;
- C. An award of all damages adequate to compensate LifeProof for Seidio's infringement, such damages to be determined by a jury and, if necessary, an accounting of all damages;
- D. An award of prejudgment and post-judgment interest to LifeProof pursuant to 35 U.S.C. § 284;
- E. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of the reasonable attorneys' fees, costs, and expenses incurred by LifeProof in this action; and
- F. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff LifeProof hereby demands a trial by jury on all issues and claims so triable.

1 Dated: January 19, 2013

Respectfully submitted,

3 s/ Matthew C. Bernstein

4 Matthew C. Bernstein

MBernstein@perkinscoie.com

5 Perkins Coie LLP

11988 El Camino Real, Suite 200

6 San Diego, CA 92130

7 Telephone: (858) 720-5721

8 Facsimile: (858) 720-5799

9 Attorney for Plaintiff

TREEFROG DEVELOPMENTS, INC.

10 D/B/A LIFEPROOF

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Treefrog Developments, Inc. d/b/a LifeProof

**DEFENDANTS**

Seidio, Inc.

(b) County of Residence of First Listed Plaintiff San Diego, CA

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Harris, TX

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**'13CV0158 IEG KSC****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

35 U.S.C. § 1 et seq. 35:0271 (vnm)

Brief description of cause:

Patent Infringement

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R. Civ.P.
**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/19/2013

SIGNATURE OF ATTORNEY OF RECORD

s/ Matthew C. Bernstein

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE